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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/051,774	01/16/2002	Raymond T. Hsu	PA020106	1529

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QUALCOMM, INC
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EXAMINER	
ESCALANTE, OVIDIO	
ART UNIT	**PAPER NUMBER**
2614	

DATE MAILED: 04/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/051,774	HSU ET AL.	
	Examiner	Art Unit	
	Ovidio Escalante	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 February 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *65-102* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *65-102* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to applicant's amendment filed on February 7, 2006. **Claims 65-102** are now pending in the present application.

2. The Art Unit designation of this application has been changed to Art Unit 2614. Please make the change in any future response.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 65-67,69-71,78-80,81,83-85,90-92,93,95-97,100 and 101 are rejected under 35 U.S.C. 102(a) as being anticipated by Sato et al. WO 01/80590 A1, for applicant's convenience, the Examiner has provided the corresponding English citation which was derived from EP 185125 A1. The reference is noted with the "¶" notation and is inserted after the Japanese citation.

Regarding claims 65 and 102, Sato teaches in a wireless communication system and apparatus supporting a broadcast service, (abstract; fig. 24; the broadcast service is the service which multicast data to the radio terminals), a method and means for:

providing a service ID (program title with radio channel number along with other information as shown in the management table of fig. 25) to identify the broadcast service, (fig. 25; page 38, line 17-page 39, line 2; [¶185, ¶186]; the program title with radio channel number

identifies which multicast service program will be multicast to the base stations and ultimately to the radio terminals);

sending the service ID to a base station (fig. 25; 110-1; page 38, lines 17-23; [¶185]; the program title and other terminal information as shown in fig. 25 is sent to other base stations such as base stations 110-2 -- 110-7);

configuring a broadcast service parameters message at the base station that includes the service ID, (page 38, line 17-page 39, line 2; page 40, lines 25-page 41, line 5; [¶185, ¶186, ¶195]; fig. 25 shows all of the parameters that are present including radio bases station number, program title, radio channel number and distribution checks. The table is configured by a first base station and relayed to other adjacent base stations);

transmitting the broadcast service parameters message to a mobile station (120), (page 32, line 24-page 33, line 1; page 38, line 17-page 39, line 2; page 40, line 25-page 41, line 5; [¶155, ¶185, ¶186,¶197], "the radio terminals receive this information transmitted from the radio base station"); and

using the service ID in the broadcast service parameters message at the mobile station to determine availability of the broadcast service in an adjacent sector, (page 29, lines 7-10; page 40, lines 25-page 41, line 5; [¶59,¶197]).

Regarding claim 66, Sato teaches wherein the broadcast service is transmitted by a content server, (page 24, lines 17-24; [¶112]).

Regarding claim 67, Sato teaches wherein the broadcast service has a service name (program title), (fig. 25).

Regarding claim 69,83 and 95, Sato teaches wherein the service ID is a globally unique service ID issued by a global issuer, (fig. 2; page 4, lines 13-26; [¶15]; servers 251,252,253 issue a unique service ID to other servers).

Regarding claims 70,78,90 and 100, Sato teaches wherein the service ID comprises a Broadcast/Multicast Service ID (BCMCS_ID), (fig. 25; page 38, line 24-page 39, line 2; [¶186]).

Regarding claim 79,91 and 101, Sato teaches wherein the BCMCS_ID is a dual BCMCS_ID comprising a global indicator to indicate uniqueness of the BCMCS_ID, (fig. 25; page 38, line 24-page 39, line 2; [¶186]).

Regarding claim 80, Sato teaches a base station (110-1) for use in a wireless communication system supporting a broadcast service, (abstract; fig. 24), wherein the base station is receiving a first broadcast service identified by a first service ID, and wherein the base station has a neighbor base station receiving a second broadcast service identified by a second service ID, (fig. 24; page 40, lines 25-page 41, line 5; page 42, lines 22-page 43, line 1; [¶197, ¶206]), and wherein the base station is configured to implement a method comprising:

receiving the second service ID that identifies the second broadcast service, (page 40, line 25-page 41, line 5; [¶197]);

configuring neighbor configuration data that relates to the second broadcast service, (page 40, line 25-page 41, line 5;page 42, lines 1-6; [¶197, ¶202]);

configuring a broadcast service parameters message that includes the second service ID and the neighbor configuration data, (page 42, lines 22-page 43, line 20; [¶206-¶209]); and

transmitting the broadcast service parameters message to a mobile station currently receiving the first broadcast service, (page 32, line 24-page 33, line 1; page 40, line 25-page 41, line 5; page 42, line 22-page 43, line 1; [¶155, ¶197, ¶206]).

Regarding claims 81 and 93, Sato teaches wherein the first broadcast service and the second broadcast service are transmitted by content servers, (fig. 3; page 3, line 29-page 4, line 8; page 24, lines 17-24, [¶13, ¶112]).

Regarding claims 84 and 96, Sato teaches wherein the first service ID comprises a first BCMCS_ID and wherein the second service ID comprises a second BCMCS ID, (page 38, line 24-page 39, line 2; [¶186]).

Regarding claim 92, Sato teaches a mobile station (120) for use in a wireless communication system supporting a broadcast service, wherein the mobile station is in a first sector of a first base station approaching a second sector of a second base station, (page 40, line 25-page 41, line 5; page 42, line 22-page 43, line 1; [¶197, ¶206]) and wherein the mobile station is configured to implement a method comprising:

receiving a first broadcast service identified by a first service ID from the first base station, (page 32, line 24-page 33, line 1; page 38, line 17-page 39, line 2; page 40, line 25-page 41, line 5; page 42, line 22-page 43, line 1, [¶155,¶197, ¶206]);

receiving a broadcast service parameters message that includes a second service ID and neighbor configuration data, wherein the second service ID identifies a second broadcast service available in the second sector, (page 40, line 25-page 41, line 5; page 42, line 22-page 43, line 1; [¶197, ¶206]);

examining the neighbor configuration data that relates to the second broadcast service, (page 40, line 25-page 41, line 5;page 42, line 22-page 43, line 8; [¶197, ¶206-¶207]); and

determining, based on the neighbor configuration data, whether the first service ID and the second service ID identify the same broadcast content whereby reception of the broadcast content is continued in the second sector, (page 40, line 25-page 41, line 5; page 42, line 22-page 43, line 20; [¶197, ¶206-¶209]).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claims 68,72-75,77,82,86-88,94,98 and 99 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sato in view of Chang et al. US Patent Pub. 2002/0102967.

Regarding claims 68,72-74,77,82,86-87,94,98 and 99, while Sato teaches of receiving by the content server a service ID, Sato does not specifically teach of requesting by the content server the service ID.

However, Sato suggests this since the mobile terminal is requesting content and the content server must be able to request information if the content server is able to retrieve and transmit the information to the mobile terminal.

Nonetheless, Chang teaches that it was well known in the art to request by a content server a service ID from a global/local issuer, (fig. 2; paragraphs 10-13). Chang further teaches dynamically generating a BCMCS_ID and associating a lifetime value with the BCMCS_ID, (paragraphs 9 and 13).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Sato by requesting content from a global or local issuer and generating a BCMCS_ID as suggested by Chang so that the content server can request data based upon the mobile terminal's needs.

Regarding claims 75 and 88, Sato teaches wherein the service ID comprises a BCMCS_ID, (page 38, line 24-page 39, line 2; [¶186]).

8. Claims 71,76,85,89 and 97 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sato in view of Siddiqui et al. US Patent 6,826,176.

Regarding claims 71,76,85,89 and 97, Sato does not specifically teach wherein an IP multicast address and UDP port number are associated with said BCMCS _ID.

In the same field of endeavor, Siddiqui teaches wherein an IP multicast address and UDP port number are associated with said BCMCS_ID, (abstract; col. 2, lines 7-25; col. 3, lines 44-53; col. 4, line 45-col. 5, line 4-, col. 6, line 50-col. 7, line 21).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Hsu by associating an IP multicast address and UDP

port number with the broadcast service as taught by Siddiqui so that data packets can be routed through the IP network.

Response to Arguments

9. Applicant's arguments with respect to claim 65-102 have been considered but are moot in view of the new ground(s) of rejection.

10. While Applicant's amendment necessitated the new grounds of rejection, the Examiner will respond to Applicant's arguments regarding the Sato reference.

Applicant contends that Sato does not mention "providing a service ID" and "sending a service ID" and "configurating a broadcast service parameters message at the base station that includes the service ID." Applicant states that the "Service ID" and "broadcast service parameter message" as claimed are brief in nature and thereby do not consume precious bandwidth. Applicant supports this by referencing paragraphs 1058 and 1068 of their specification. Applicant further states that since Sato's management table is interleaved with the main traffic data then valuable bandwidth must be carved for such purpose and thus the management table cannot be construed as a service ID. The Examiner respectfully disagrees.

The claims to not specify what is contained in the "Service ID" or "broadcast service parameter message" and thus cannot be interpreted as being "brief in nature" as argued by the Applicant. Given the broad scope of the claims and "Service ID", the Examiner believes that claims fully and clearly read on Sato. As shown above in the rejection of claim 65, the management table of Sato includes various identifiers which identifies which "service" will be multicasted. Thus, with at least the program title, the multicast service is identified. The

Examiner has further clarified at least claim 65 with supporting reasoning so that it will be clear as to how the Examiner is interpreting the "Service ID" and parameter message.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

or faxed to:

(571) 273-8300, (for formal communications intended for entry)

Or:

(571) 273-7537, (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to:

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ovidio Escalante whose telephone number is 571-272-7537. The examiner can normally be reached on M-Th from 6:30AM to 4:00PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan S Tsang can be reached on 571-272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

OVIDIO ESCALANTE
PATENT EXAMINER

Ovidio Escalante
Primary Patent Examiner
Group 2614
April 7, 2006

O.E./oe